

## TEXT OF PROPOSED REGULATION

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Current wording is indicated by regular type.  
Originally proposed deletions are indicated by ~~strikeout~~.  
Originally proposed additions are indicated by underline.

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TITLE 3. CALIFORNIA CODE OF REGULATIONS  
DIVISION 1. ADMINISTRATION  
CHAPTER 4. PERMIT REFORM ACT  
ARTICLE 2. DEPARTMENT OF PESTICIDE REGULATION – PERMIT REFORM ACT

Repeal Article 2:

**~~Article 2. Department Of Pesticide Regulation – Permit Reform Act~~**

Repeal section 305:

### **305. Permit Processing Times (Including Licenses, Permits, Registrations and Certificates).**

~~(a) Within the number of calendar days of receipt of an application for a permit shown in column A of subsection (c), the Department shall inform the applicant in writing that the application is either complete and accepted for filing, or that it is deficient and what specific information of documentation is required to complete the application. An application is considered complete if all necessary fees and information required by the application form have been submitted.~~

~~(b) Within the number of calendar days after receipt of a complete application, as shown in Column B of subsection (c), the Department shall approve or disapprove the application~~

~~(c) The Department's minimum, median, and maximum time periods, in calendar days, for processing an application from the receipt of the initial application to the final decision, based on the Department's actual performance during the two years immediately preceding the proposal of this section, are shown in columns C, D, and E of the chart which follows:~~

Permit Type	Maximum time for notifying that application is complete or deficient (Days)	Maximum time after receipt of a complete application to approve or deny permit (Days)	ACTUAL DAYS TO PROCESS BASED ON PRIOR TWO YEARS		
			Minimum	Median (Days)	Maximum
Qualified Applicator Certificate <sup>1,2</sup>	14	100	1	50	111
Agricultural Pest Control Adviser License <sup>2</sup>	14	100	12	46	129
—Renewal	14	60	1	11	74
Qualified Applicator License <sup>2</sup>	14	90	5	54	97
Designated Agent License <sup>2</sup>	14	90	21	50	96
—Renewal	14	30	1	8	39
Pest Control Pilots License <sup>2</sup>	14	100	21	56	106
—Renewal	14	30	1	11	35
Pest Control Business License	14	100	1	50	100
—Renewal	14	100	1	50	100
Maintenance Gardener Pest Control Business License	14	100	1	50	100
—Renewal	14	100	1	50	100
Pest Control Dealer License	14	100	1	50	100
—Renewal	14	100	1	50	100
Pesticide Broker License	14	100	1	50	100
—Renewal	14	100	1	50	100
Accreditation of Continuing Education Instruction	20	30	N/A	N/A	N/A
Certificate of Registration for Pesticides:					
—New Active Ingredient	120	150	16	106	314
—New Product	60	90	4	40	209
—Renewal	30	60	7	28	197

Footnotes

<sup>1</sup> Median processing time for renewals does not exceed 7 days.

<sup>2</sup> Time frames are based on applicant taking first available test.

NOTE: Authority cited: Section 15376, Government Code; and Section 11456, Food and Agricultural Code. Reference: Section 15376, Government Code.

Repeal section 306:

**Section 306. Appeal Procedures.**

~~(a) The following information shall be included on application forms for all Department permits subject to Government Code sections 15374-15378:~~

~~“The Department of Pesticide Regulation has established time periods for the processing of permit applications, in compliance with Government Code sections 15374-15378. Failure to comply with these time periods may be appealed to the Secretary of Environmental Protection, California Environmental Protection Agency, 1001 I Street, P.O. Box 2815, Sacramento, California 95812-2815, pursuant to regulations set forth in Title 3, California Code of Regulations, Section 306. Under certain circumstances, the Secretary may order that the applicant receive a reimbursement of filing fees.”~~

~~(b) An applicant whose application for a permit has not been processed by the Department within the time periods established by Section 305 may appeal in writing to the Secretary for Environmental Protection. The appeal shall set forth a concise statement of facts and chronology of events regarding the application. An appeal concerning a permit application on which a final decision has been made must be filed within 30 days of the date the applicant was notified of the decision.~~

~~(c) The Secretary shall promptly review an appeal filed under this section and shall issue a decision within 30 days after conducting any investigation of the matter on which the secretary deems appropriate.~~

~~(d) If the Secretary finds that a program exceeded the time limit for informing the permit applicant that an application is complete or is deficient and requires additional information to be processed the Secretary shall direct the program to make its determination by a specified date and so inform the applicant.~~

~~(e) The time period within which the Department must make a decision to issue or deny the permit commences with the date the Department exceeded the time period for acting on a completed application without the good cause defined by Government Code Section 15376(h); all filing fees paid by the permit applicant will be refunded.~~

NOTE: Authority cited: Section 15376, Government Code; and Section 11456, Food and Agricultural Code. Reference: Section 15376, Government Code.